

to meet national certification standards in order for organic citrus to maintain international marketability; and

(3) in all events maintain the effectiveness of the *pest* [~~Asian citrus psyllid~~] suppression program and *disease* [~~citrus greening~~] management administered under this chapter.

SECTION 15. Section 80.008(b), Agriculture Code, as amended by this Act, applies only to a member of the board of directors of the Texas Citrus Pest and Disease Management Corporation, Inc., appointed on or after the effective date of this Act. A member appointed before the effective date of this Act may continue to serve until the expiration of the member's term.

SECTION 16. This Act takes effect September 1, 2015.

Passed the Senate on April 22, 2015: Yeas 29, Nays 1; passed the House on April 30, 2015: Yeas 138, Nays 1, one present not voting.

Approved May 15, 2015.

Effective September 1, 2015.

**EXCLUSIVE JURISDICTION OF THIS STATE TO REGULATE
OIL AND GAS OPERATIONS IN THIS STATE AND THE
EXPRESS PREEMPTION OF LOCAL REGULATION OF THOSE
OPERATIONS**

CHAPTER 30

H.B. No. 40

AN ACT

relating to the exclusive jurisdiction of this state to regulate oil and gas operations in this state and the express preemption of local regulation of those operations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The legislature finds that the laws and policy of this state have fostered successful development of oil and gas resources in concert with the growth of healthy and economically vibrant communities for over 100 years. The legislature acknowledges this cooperative progress and that mutual benefit is derived from the statutes already in effect, which provide effective and environmentally sound regulation of oil and gas operations that is so comprehensive and pervasive that the regulation occupies the field, while facilitating the overriding policy objective of this state of fully and effectively exploiting oil and gas resources while protecting the environment and the public's health and safety. The legislature recognizes that in order to continue this prosperity and the efficient management of a key industry in this state, it is in the interest of this state to explicitly confirm the authority to regulate oil and gas operations in this state. The legislature intends that this Act expressly preempt the regulation of oil and gas operations by municipalities and other political subdivisions, which is impliedly preempted by the statutes already in effect.

SECTION 2. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.0523 to read as follows:

Sec. 81.0523. EXCLUSIVE JURISDICTION AND EXPRESS PREEMPTION. (a) In this section:

(1) "Commercially reasonable" means a condition that would allow a reasonably prudent operator to fully, effectively, and economically exploit, develop, produce, process, and transport oil and gas, as determined based on the objective standard of a reasonably prudent operator and not on an individualized assessment of an actual operator's capacity to act.

(2) "Oil and gas operation" means an activity associated with the exploration, development, production, processing, and transportation of oil and gas, including drilling, hydraulic fracture stimulation, completion, maintenance, reworking, recompletion, disposal, plugging and abandonment, secondary and tertiary recovery, and remediation activities.

(b) An oil and gas operation is subject to the exclusive jurisdiction of this state. Except as provided by Subsection (c), a municipality or other political subdivision may not enact or enforce an ordinance or other measure, or an amendment or revision of an ordinance or other measure, that bans, limits, or otherwise regulates an oil and gas operation within the boundaries or extraterritorial jurisdiction of the municipality or political subdivision.

(c) The authority of a municipality or other political subdivision to regulate an oil and gas operation is expressly preempted, except that a municipality may enact, amend, or enforce an ordinance or other measure that:

(1) regulates only aboveground activity related to an oil and gas operation that occurs at or above the surface of the ground, including a regulation governing fire and emergency response, traffic, lights, or noise, or imposing notice or reasonable setback requirements;

(2) is commercially reasonable;

(3) does not effectively prohibit an oil and gas operation conducted by a reasonably prudent operator; and

(4) is not otherwise preempted by state or federal law.

(d) An ordinance or other measure is considered *prima facie* to be commercially reasonable if the ordinance or other measure has been in effect for at least five years and has allowed the oil and gas operations at issue to continue during that period.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 20, 2015: Yeas 125, Nays 20, 1 present, not voting;
passed by the Senate on May 4, 2015: Yeas 24, Nays 7.

Approved May 18, 2015.

Effective May 18, 2015.

CANINE ENCOUNTER TRAINING FOR PEACE OFFICERS

CHAPTER 31

H.B. No. 593

AN ACT

relating to canine encounter training for peace officers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1701.253, Occupations Code, is amended by adding Subsection (l) to read as follows:

(l) As part of the minimum curriculum requirements, the commission shall require an officer licensed by the commission on or after January 1, 2016, to complete a canine encounter training program established by the commission under Section 1701.261. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

SECTION 2. Subchapter F, Chapter 1701, Occupations Code, is amended by adding